

**Michigan Commission of Agriculture Meeting
Michigan Department of Agriculture
Geagley Laboratory
1615 S. Harrison
East Lansing, MI**

**MEETING MINUTES
February 11, 2003**

PRESENT:

Nora Viau, Chair, Commission of Agriculture
Bill Pridgeon, Vice-Chair, Commission of Agriculture
James Maitland, Secretary, Commission of Agriculture
James Byrum, Commission of Agriculture
Douglas Darling, Commission of Agriculture
Dan Wyant, Director, Michigan Department of Agriculture

OTHERS PRESENT: *(all or part of the meeting)*

Michigan Department of Agriculture Staff
Dr. Pat Crowley, American Farm Environment
Dr. Gordon Guyer
Tonia Koppenaal, Michigan Farm Bureau
Ben Kudwa, Potato Growers of Michigan, Inc.
Stacey Lott, House Republican Policy Office
Dr. Brad Marks, Michigan State University
Dolores Michaels, King of the Wind Farms, Inc.
Ron Nelson, Michigan Farm Bureau
Keith Tinsey, Michigan State University
Dr. Gary VanEej, Michigan State University

CALL TO ORDER AND ROLL CALL

Chair Viau called the meeting of the Commission of Agriculture to order at 10:00 a.m. on Tuesday, February 11, 2003. Secretary Maitland called the roll with Director Wyant, Commissioners Byrum, Darling, Maitland, Pridgeon, and Viau present.

Director Wyant introduced James Byrum and congratulated him on his appointment by the Governor to the Michigan Commission of Agriculture.

DEDICATION OF THE GORDON GUYER ROOM

Chair Viau welcomed Dr. Guyer, Dan Guyer and guests to the Commission meeting. In recognition of Dr. Guyer's 50 years of public service and dedication to Michigan's agriculture and natural resources industry a large conference room at the Geagley Laboratory was officially named the Gordon Guyer Conference Room. Dr. Guyer, as Director of MDA, was instrumental in obtaining funding for the renovation of the Geagley Laboratory. A dedication plaque was hung in the conference room and tours of the Laboratory were held earlier in the day.

APPROVAL OF AGENDA

MOTION: COMMISSONER DARLING MOVED APPROVAL OF THE FEBRUARY 11, 2003 AGENDA AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.

APPROVAL OF JANUARY 9, 2003 MEETING MINUTES

MOTION: COMMISSIONER MAITLAND MOVED APPROVAL OF THE JANUARY 9, 2003 MEETING MINUTES. SECONDED. MOTION CARRIED UNANIMOUSLY.

NEXT MEETING

The next meeting of the Commission of Agriculture is scheduled for March 6, 2003 at East Lansing, Kellogg Center.

APPROVAL OF COMMISSIONERS' PER DIEM AND TRAVEL

MOTION: COMMISSIONER MAITLAND MOVED TO APPROVE TRAVEL EXPENSE FOR COMMISSIONER DARLING FOR JANUARY 13, 2003, MICHIGAN AGRI-BUSINESS MEETING IN LANSING. SECONDED. MOTION CARRIED.

COMMISSIONERS' COMMENTS

Commissioner Maitland stated that Northern Michigan is receiving adequate snow, which is good for spring crops. It has snowed about 30 days in a row. The Grand Traverse Fruit Grower's Council Annual Farm and Vineyard Show was held at the Grand Traverse Resort in late January with good attendance.

Commissioner Darling attended the Michigan Agri-Business Association meeting in Lansing on January 13. He stated that it was a tremendous show of equipment and displays. He also participated with the Michigan Farm Radio program with Commissioners Pridgeon and Viau and Director Wyant.

Commissioner Darling stated that serving on the Agriculture Commission for eight years has been a great privilege, but his greatest privilege was serving with Jordie Tatter and his advice, wisdom, humor and friendship will be missed.

Commissioner Darling welcomed Commissioner Byrum to the Commission.

Commissioner Pridgeon welcomed Commissioner Byrum to the Commission. Commissioner Pridgeon attended a Pork Producers meeting with discussion focusing on Pork Producers of Indiana, Ohio and Michigan deciding to integrate and form a cooperative to buy a packing plant in South Bend, Indiana. This would require a commitment of money and supply of hogs. This is a tough commitment for the hog producers. Commissioner Pridgeon stated that they have had very low snowfall and water wells are starting to go dry.

Commissioner Byrum stated that it was a pleasure to be appointed to the Commission and he looks forward to participating. He stated that the lack of moisture in Southern Michigan is a serious issue. There is concern about winterkill of wheat.

Chair Viau stated that there is finally snow in the Upper Peninsula and they are experiencing record cold.

DIRECTOR'S REPORT: Director Dan Wyant

Director Wyant welcomed Commissioner Byrum and stated that he was excited and proud to have him on board with his background and knowledge of Michigan agriculture.

Director Wyant stated that the Commission would miss Jordie Tatter and his leadership.

Director Wyant introduced Robert Geake. Mr. Geake was appointed by the Governor in December to the post of Racing Commissioner.

Activities that Director Wyant has participated in over the last month include:

- Cabinet meetings with the new administration
- Participated in several budget discussions
- Met with MDNR and Michigan United Conservation Club regarding Chronic

- Wasting Disease (CWD)
- Meetings with new legislators
- Attended Great Lakes Commission meeting
- Attended Food Safety Alliance meeting
- Made presentation to Senate Ag, Forestry and Tourism Committee
- Attended the National Association of State Departments of Agriculture Mid-Year Conference
- Attended the State of the State address
- Met with the Governor's Environmental Advisor with respect to Environmental Stewardship and Emerald Ash Borer

The Director briefly mentioned the **Mackinac Center for Public Policy** report, "Proposed Budget Reductions for the MDA". He stated that with the current fiscal situation the Department will have to make some reductions.

He gave the Commissioners a copy of the Governor's **State of the State address** and information on the **Bipartisan Land Use Council** announcement. Five state departments will serve on the council as non-voting members, they are Agriculture, Consumer and Industry Services, Environmental Quality, Natural Resources, and Transportation.

The **Michigan Buy Local/Buy Organic campaign** will be introduced March 28. Director Wyant would like Commissioners to participate in this event and will keep them informed of date and location.

Agriculture's Conference on the Environment, sponsored by Michigan Agriculture Environmental Assurance Program (MAEAP) is scheduled for March 24 at the Lansing Center. Director Wyant asked the Commission to participate if possible. This conference will target producers.

Director Wyant distributed MDA's **Key Priorities and Programs, 2003** and provided a brief overview of some of the key programs and highlights of the Department's top priorities of ensuring food safety and security; environmental stewardship; animal and plant health and protection; a viable agricultural economy; consumer protection; and homeland security.

RESOLUTION HONORING RYAN SWEENEY

Director Wyant introduced Ryan Sweeney as the recipient of the National FFA Organization's 2001 American Star in Agribusiness award. The Commission commended Mr. Sweeney for this honor and presented him with a resolution.

Director's Report, continued

Director Wyant gave an overview of the budget presentation that was made to the Cabinet on January 16. He stated that about 85% of the State's general fund budget is in four areas: education, community health, public protection, and family independence agency. The MDA falls under the category of General Government, which makes up 4% of the general fund. There is a \$1.7 billion deficit estimated for fiscal year 2004. The state currently has a spending level that cannot be maintained. The Department has been working with DMB to identify a 4% budget reduction for the current fiscal year and is putting together a proposal for an 11% budget reduction for next fiscal year.

The Department is looking at program elimination, administrative efficiencies, grant reduction and possible elimination of some grants. Fee increases, where appropriate, are also being looked at. The Department will be looking at reducing the number of state vehicles, cell phones, out of state travel, etc. It is also possible that per diem for Commissioners will be eliminated in the next fiscal year. Travel reimbursement for Commission will also be under review by the Governor. Director Wyant proposed to the Commission reducing meetings, particularly meetings held out of town that would involve Commission and staff travel and lodging. The Commission will review the meeting schedule and make a decision on revising the 2003 schedule.

The Department is in the process of interviewing for the UP State Fair Manager position and should have a decision within the next month.

RIGHT TO FARM ISSUES: Wayne Whitman, Program Manager, Environmental Stewardship Division

Mr. Whitman reported that Mr. **Arthur Birchmeier** of New Lothrop has conformed to the Right to Farm guidelines and has agreed to conduct soil borings. This will allow MDA to close the complaint file. Mr. Birchmeier indicated that he would like to complete the site verification process as soon as possible. Mr. Whitman recommended that MDA continue to work with Mr. Birchmeier, provide deadlines for completion of requirements and if necessary bring the case back to the Commission's attention.

Mr. Whitman then reviewed the **King of the Wind Farms (KWF)** on-farm compost odor complaint. MDA has been working with KWF to bring them into compliance with Right to Farm guidelines. KWF was given a deadline of January 30, 2003 to submit an acceptable compost management and site plan, and February 7 to submit an implementation schedule for all components. At this time KWF does not have specific management to maintain proper C:N

ratio; has no implementation schedule for stockpile of compost; updated site plan is not consistent with floodplain permit; and requested to extend their implementation schedule from June 2003 to June 2004.

Mr. Whitman stated that KWF is one of the largest compost (yard waste) operations in the state of Michigan. After odor complaints were received, the owner of the operation contacted MDA in March 2002 to conduct an on-site inspection and determine if they were in compliance with the Generally Accepted Agriculture Management Plan for Manure Management and Utilization and the On Farm Composting Handbook (OFCH) referenced in the GAAMPS. The site inspection was conducted on April 8, 2002. At that time it was determined that more finished compost was produced than there is land to utilize, at agronomic rates which allows for the potential of runoff and excessive odors. It was advised that they stop taking additional yard waste until problems were addressed. On May 13, 2002 a letter was sent to KWF advising them of changes needed to conform to OFCH. They were given 60 days to submit and implement an acceptable plan. In June 2002 a follow-up inspection was conducted with virtually no changes noted. Odor complaints continue to be received by MDA. On October 15, 2002 KWF submitted a site plan and odor management plan to MDA. MDA and MDEQ conducted a final inspection on January 9, 2003 with determination that KWF does not comply with GAAMP.

Mr. Whitman recommended that the Commission notify KWF of non-conformance to GAAMP and transfer the case to the Michigan Department of Environmental Quality.

PUBLIC COMMENT ON KING OF THE WIND FARMS

Dr. Pat Crowley reported on the activities and summarized reports addressing the GAAMP for Manure Management. She stated that KWF would submit an updated Nutrient Management Plan using new compost, manure and soil tests in March 2003.

Ms. Dolores Michaels, owner of King of the Wind Farms, addressed the Commission and stated that she can use all the compost that she produces on-site. She reported that she has moved all screened material off-site over the past two months.

Director Wyant asked Ms. Michaels if she could comply with the recommendations of MDA. She stated that it is just a matter of timing. Mr. Whitman stated that KWF has made considerable progress, but according to the plan KWF submitted, they are still two years away from conformance to the GAAMP and there are a number of MDEQ concerns about resources.

In summary, MDA began an investigation of odor and nutrient mismanagement complaints

about KWF in March 2002. MDA requested a complete Compost Operations Plan and implementation schedule from the owners. An acceptable plan was not received by February 7, 2003 and MDA recommends referral to MDEQ per provisions of the interagency MOU.

Ms. Michaels said that if she were found to be not in compliance with GAAMPS, Macomb Township would take her to court. She said that she was in compliance until MDA issued the On Farm Composting Handbook. She stated that she is trying to comply and is asking for additional time to come into compliance.

MOTION: COMMISSIONER MAITLAND MOVED TO TABLE THE DISCUSSION UNTIL THE NEXT MEETING, AND THAT MDA AND KWF MEET TO DETERMINE WHAT REQUIREMENTS ARE TO BE MET BY KWF. IF REQUIREMENTS CANNOT BE MET THE CASE WILL BE REFERRED TO MDEQ. SECONDED. MOTION CARRIED.

RECESS:

The meeting recessed at 12:25 p.m.

RECONVENE:

The meeting reconvened at 1:05 p.m.

Annual review of the following GAAMPs:

GAAMP for the Management Practices for Manure Management and Utilization

GAAMP for the Site Selection and Odor Control at New and Expanding Livestock Facilities

GAAMP for Nutrient Utilization

GAAMP for the Care of Farm Animals

Mr. Whitman presented to the Commission the annual review of the above Right to Farm practices. Statute requires the Commission to review annually and revise if necessary. It is requested that the Commission Chair send letters to the respective chairs of the four GAAMP committees requesting review.

MOTION: COMMISSIONER MAITLAND MOVED THAT THE GAAMP REVIEW BE INITIATED AND THE CHAIR SIGN THE AUTHORIZING LETTERS TO THE RESPECTIVE GAAMP COMMITTEE CHAIRS. SECONDED. MOTION CARRIED.

LEGISLATIVE REPORT: Brad Deacon, Legislative Liaison

Mr. Deacon presented the first Legislative Report for the 92nd Legislature and briefly explained what is included in the report. He reviewed the bills that will be seeing some movement early in the session. He stated that the Joint Committee on Administrative Rules (JCAR) is meeting this afternoon for the first time since 1999. MDA does have an Office of Racing Commissioner rule before JCAR. JCAR currently has 21 days to review any rule before finalization and they are proposing to increase that timeframe to 90 days.

Mr. Deacon and Director Wyant have been meeting with new legislators, and legislators newly appointed to agriculture committees. He introduced Legislative guests Kurt Hannah, Chief of Staff for Chairman VanWoerkom (Senate Ag, Forestry and Tourism Committee), and Liesel Clark, Senate Democratic Policy Office.

CERTIFICATE OF ADOPTION, REGULATION 551: Brad Deacon, Legislative Liaison

Regulation 551, Weights, Measures, Packaging and Labeling has been approved for rescission by the Office of Regulatory Reform and Mr. Deacon is seeking the Commission's approval to proceed. This rule is obsolete due to the adoption of PA 208 of 2002, revision of the Weights and Measures statute.

**MOTION: COMMISSIONER PRIDGEON MOVED TO APPROVE THE
CERTIFICATE OF ADOPTION RESCINDING REGULATION 551,
WEIGHTS, MEASURES, PACKAGING AND LABELING.
SECONDED. MOTION CARRIED.**

CHRONIC WASTING DISEASE: Dr. Joan Arnoldi, State Veterinarian, MDA; Rebecca Humphries, Chief, Wildlife Division, Michigan Department of Natural Resources; and Dr. Dan O'Brien, Rose Lake Wildlife Research Station

Director Wyant recognized Dr. Howard Tanner and Dr. Bill Taylor in attendance as interested parties on the Chronic Wasting Disease (CWD) issue. The Governor will be appointing a Task Force on Chronic Wasting Disease and MDA and MDNR jointly are presenting to the Agriculture and the Natural Resources Commissions. The two departments are preparing for presentations to the task force on how to create a standard in Michigan to protect the wild resources of the state in addition to dealing with CWD and how to prevent it from becoming established in Michigan.

Dr. Arnoldi introduced Rebecca Humphries and Dr. O'Brien. Dr. O'Brien did a presentation on CWD biology and epidemiology. He reviewed the activities related to CWD that MDNR

has carried out to date. Along with the slide presentation he distributed notebooks detailing CWD information.

Dr. Arnoldi presented the Commission with an updated version of the Department's Regulatory Programs for Privately Owned Cervid Operations. Dr. Arnoldi gave a brief overview of the report, detailing history/background; general requirements for privately owned cervid operations; animal health/testing requirements for privately owned cervid operations; and ensuring that privately owned cervid operations are fulfilling state requirements. Dr. Arnold stated that to date 711 deer and elk from 111 farms in 55 counties have tested negative. Testing of targeted animals will continue throughout the year.

Dr. Arnoldi stated that MDA and MDEQ have developed a response plan, assuring, to the best extent possible, that there is a plan of action. If an animal is identified, each department knows what to do, who will be involved, and how to get started immediately.

If CWD is found in a cervid farm, the response plan calls for the captive cervid to be destroyed. MDNR would then do testing in the surrounding area. Other states are adopting Michigan's response plan.

Dr. Arnoldi believes that we will continue to see interface diseases due to the intermingling of wild and domestic cervid populations. MDA and MDEQ will continue to work jointly to address this and other diseases that may develop.

UPDATE ON BOVINE TUBERCULOSIS: Dr. Joan Arnoldi, State Veterinarian

Three herds were declared infected in January. One herd in Alcona County would like to test out. This is a closed herd and MDA will determine if test out will be allowed. Another herd quarantined in Alcona County was detected in the early stages of TB. Twenty-one calves from this herd were moved to Marlette without permit and compliance action will be taken. The third positive herd is in Oscoda County, and tested negative in a whole herd test in 1996.

PUBLIC COMMENT

Dr. Gary VanEej, Dr. Brad Marks and Keith Tinsey of Michigan State University addressed the Commission regarding the decision at MSU to disband the Agriculture Engineering Department. Engineering staff will be placed into applicable departments within the university. They feel they will be unable to recruit graduate students in the future.

Tonia Koppenaal, Michigan Farm Bureau – Ms. Koppenaal provided the Commission with the Michigan Farm Bureau 2003 Policy Book. She briefed the Commission on policies related

to agriculture, including water use, land use, environmental stewardship, disease issues, grain insurance fund, taxation, etc.

Director Wyant informed the Commission that an unclassified position to handle Federal issues is vacant. The Department would like to make a recommendation for the position.

MOTION: COMMISSIONER DARLING MOVED TO DIRECT THE DEPARTMENT TO FILL ANY UNCLASSIFIED POSITIONS TO ALLOW THE DEPARTMENT TO CONTINUE TO PROVIDE THE SERVICES THAT CONSUMERS IN THE STATE EXPECT FROM THE DEPARTMENT. SECONDED. CARRIED UNANIMOUSLY.

Director Wyant again addressed the issue of scheduled Commission meetings. The next meeting scheduled is March 6 and he asked for the Commissioners direction.

MOTION: COMMISSIONER MAITLAND MOVED TO ADOPT THE REVISED SCHEDULE AS THE TENTATIVE SCHEDULE FOR THE REMAINDER OF 2003 WITH THE CHAIR AND THE DIRECTOR MAKING THE FINAL DETERMINATION ON MEETING DATES BASED ON CURRENT ISSUES AND NEED. SECONDED. CARRIED UNANIMOUSLY.

ADJOURNMENT

MOTION: COMMISSIONER MAITLAND MOVED TO ADJOURN THE MEETING. SECONDED. CARRIED UNANIMOUSLY.

Meeting was adjourned at 3:20 p.m.

ATTACHMENTS

- A - Agenda*
- B – January 9, 2003 minutes*
- C – Resolution – Ryan Sweney*
- D – Director’s Report – February 2003*
- E – Right to Farm, Art Birchmeier*
- F – Right to Farm, King of Wind Farms*
- G – Right to Farm, Annual Review Requests*
- H – Legislative Report – January 2003*
- I – Certificate of Adoption for Regulation 551*

J – Regulatory Programs for Privately Owned Cervid Operations

K – Activities Related to Chronic Wasting Disease Carried Out to Date by the MDNR

L – Proposed revised 2003 Commission of Agriculture meeting dates